

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SCHPT03333WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/000018	International filing date (<i>day/month/year</i>) 04.01.2005	Priority date (<i>day/month/year</i>) 05.01.2004
International Patent Classification (IPC) or national classification and IPC C03C10/00, H01J61/54		
Applicant SCHOTT AG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000018

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-24</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>1-11</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the drawings:</p> <p>sheets _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000018

Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application
- ☒ claims Nos. 1-11 (in part)

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

- ☒ no international search report has been established for said claims Nos. 1-11 (in part)

- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

- | | |
|----------------------------|--|
| the written form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |
| the computer readable form | <input type="checkbox"/> has not been furnished |
| | <input type="checkbox"/> does not comply with the standard |

- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

- ☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/000018

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																					
1. Statement	<table><tbody><tr><td rowspan="2">Novelty (N)</td><td>Claims</td><td>3-7, 11</td><td>YES</td></tr><tr><td>Claims</td><td>1, 2, 8-10</td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims</td><td>3-5, 11</td><td>YES</td></tr><tr><td>Claims</td><td>1, 2, 6-10</td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims</td><td>1-11</td><td>YES</td></tr><tr><td>Claims</td><td></td><td>NO</td></tr></tbody></table>	Novelty (N)	Claims	3-7, 11	YES	Claims	1, 2, 8-10	NO	Inventive step (IS)	Claims	3-5, 11	YES	Claims	1, 2, 6-10	NO	Industrial applicability (IA)	Claims	1-11	YES	Claims		NO
Novelty (N)	Claims		3-7, 11	YES																		
	Claims	1, 2, 8-10	NO																			
Inventive step (IS)	Claims	3-5, 11	YES																			
	Claims	1, 2, 6-10	NO																			
Industrial applicability (IA)	Claims	1-11	YES																			
	Claims		NO																			
2. Citations and explanations (Rule 70.7)	<p>Reference is made to the following documents:</p> <p>D1: PATENT ABSTRACTS OF JAPAN, Vol. 2002, No. 10, 10 October 2002 (2002-10-10) & JP 2002 173338 A (ASAHI TECHNO GLASS CORP)</p> <p>D2: US 2002/183187 A1 (SIEBERS FRIEDRICH ET AL)</p> <p>D3: US 2002/044447 A1 (MELSON SABINE ET AL).</p> <p>1 Clarity</p> <p>1.1 In the technical sense, there is no difference between the terms "lamp" and "light". The applicant's attention is drawn to the fact that a person skilled in the art would also use both these terms interchangeably, without thereby referring to a different feature. The term "lamp" is unclear within the meaning of PCT Article 6.</p> <p>1.2 Claim 1 does not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not defined clearly. The claim attempts to define the subject matter in terms of the result to be achieved (that is to say, a UV-screening effect);</p>																					

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

however, in so doing it merely states the problem to be solved, without offering the technical features necessary to achieve this result.

2 INDEPENDENT CLAIM 1

Irrespective of the above lack of clarity, the subject matter of claim 1 is also not novel within the meaning of PCT Article 33(2) and hence the requirements of PCT Article 33(1) are not satisfied.

Document D1 discloses glass ceramic compositions which are used as part of a lamp. The examples in all of document D1 disclose compositions which are prejudicial to the novelty of the glass ceramic substances claimed in claim 1. Since they have the same composition, these glass ceramic compositions will also have UV-screening properties.

Document D2 discloses in Table 1 glass ceramic compositions used as a component in lamps (see paragraphs [0005], [0023] and [0051] of document D1). The glass ceramic compositions disclosed in document D1 are prejudicial to the novelty of claim 1. Since their composition is the same, these glass ceramic compositions will also have UV-screening properties.

Document D3, paragraph [0094], discloses glass ceramic compositions used as a component in lamps. The glass ceramic compositions disclosed in document D2 are prejudicial to the novelty of claim 1.

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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Consequently, the present application does not meet the requirements of PCT Article 33(1).

3 DEPENDENT CLAIMS 2-7

Claims 2 and 6-10 are characterized by features of routine lamp production which, combined with the features of any claim to which they refer, do not meet the PCT requirements for novelty or inventive step.

4 DEPENDENT CLAIMS 3-5, 11

The combination of features contained in dependent claims 3-5 and 11 is not known from or suggested by the available prior art. The reason is that the use of the glass ceramic compositions according to documents D1 to D3 in tubular form is not obvious.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX III

**Non-establishment of opinion with regard to novelty,
inventive step and industrial applicability**

The valid claims 1-11 relate to an unreasonably large number of possible uses, of which only a small part can be considered supported by the description within the meaning of PCT Article 6, and disclosed in the application within the meaning of PCT Article 5. In the present case, the claims lack the required support and the application lacks the requisite disclosure to such an extent that it was not possible to carry out a meaningful search covering the entire range of protection sought. The search was therefore directed to the parts of the claims that appear to be supported and disclosed in the above sense, namely the parts relating to the use of special glass ceramics, which are described as part of a lamp on page 9, line 11, to page 10, line 25.